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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
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TECHNOLOGY DEPARTMENT  
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PM51/0427

| EXAMINER |
|----------|
| PHAN, D  |

| ART UNIT | PAPER NUMBER |
|----------|--------------|
| 3662     | 2            |

DATE MAILED: 04/27/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.

Applicant(s)

Examiner

Group Art Unit

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☐ Responsive to communication(s) filed on \_\_\_\_\_
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-37 is/are pending in the application.  
Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-37 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948. *Substitute*
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
  - ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
  - ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_
  - ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☒ Notice of References Cited, PTO-892
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948 *Substitute*
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

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1. Claim 2 is objected to because of the following informalities: On line 4, "generate one at least" should be "generate at least". Appropriate correction is required.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

3. Claims 1-37 are rejected under 35 U.S.C. 102(e) as being anticipated by Layson.

Layson teaches a communications system that enables a first party 30, 32 to track the current and historical locations of a device (col 3, lines 18-27) carried by a second party 16 including a portable device 12, 20 to be carried by the second party, a central control system 22 having at least one wireless receiver/transmitter for receiving the first data signal, first means 12, 20 for periodically generating one of the plurality of input signals to enable the central control system 22 to receive a plurality of first data signals over time, which plurality enables the central control system to store history data (22; col 3, lines 24-27), and second means 30, 32 for enabling the first party to interrogate the central control system (col 3, lines 18-27).

With regard to claim 23, Layson teaches a method of providing information to a first party 30, 32 on a location of a second party 16 including the steps of receiving 12, 20 broadcast signal transmissions from a geographical locator system 14, converting the signal transmissions (fig. 2, 44), periodically transmitting 12, 20 the location data and identifying code, storing 22 the location

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data and identifying codes in a data base to enable subsequent queries on the location data (col 3, lines 18-27), and providing a user interface 30, 32 to enable access to the location data (col 3, lines 18-27).

With regard to the dependent claims, Layson teaches the portable device further including at least one means for enabling the second party to manually generate (fig. 5, 86; col 2, lines 60-65) at least one the plurality of input signals, and a manual emergency button (fig. 5, 86). Since the portable apparatus transmits at a scheduled time (col 7, lines 3-13), the portable apparatus will inherently have a clock, and a timer. Since the communication between the portable apparatus and the central data base system is scheduled at a particular time, the transmitted signal "enables time stamping" as broadly claimed. See column 7, lines 3-13. Layson further teaches a control system 22 which remotely triggers automatic transmission of the first data signal, a database (22; col 7 lines 40-col 8, line 27) for storing and correlating the history data, means for converting (fig. 2, 44) the geographic coordinate data.

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dao Phan whose telephone number is (703) 306-4167.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 306-4187.

  
DAO PHAN  
PATENT EXAMINER